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Land Use Planning—An Overview



**Cooperative Extension Service
South Dakota State University
U. S. Department of Agriculture**

Land Use Planning—An Overview

Roger Steinberg, Extension environmental specialist

"Land use planning"—to some people it means zoning restrictions; to some it means conserving the soil; to others it means plats and subdivisions.

Some of us from the windswept interior of South Dakota can't imagine that land use planning will ever affect us; others of us in the more populous areas are hotly debating over just what "rights," "property," and "progress" are.

Land use planning directly affects **you**. The 1974 legislature saw to that, when it passed a law requiring each county to formulate a comprehensive land use plan by 1976.

We need to define terms, so we all speak the same language. **Land** is space, filled with certain unique combinations of soil, water, minerals, location, human population, and other resources. It can be agricultural, forest, urban, wetland, or a host of other land types. **Land use planning** is the choice, by individuals and the public, of how these resources are to be used. **Zoning** is a legal method whereby government regulates land use for private and public benefit. It is **one tool** by which land use planning can be implemented; others are taxation, building regulations, capital improvements, subdivision regulations, and health and safety standards. Planning and zoning are **not** interchangeable terms.

Land use also can be looked at from the perspective of ownership, whether by private parties or by local, state, or federal government. Most people are surprised to learn that 40% of the United States is owned and managed by some level of government.

Many complex explanations and involved books and articles have been written about the planning process. Simply stated, planning is an activity in which

you attempt to reach some predetermined goal in the easiest and best possible way. It is not only a government activity, as when counties or cities do comprehensive planning. Industries, families, and individuals all "plan."

One of the first steps in good planning is obtaining accurate information from which to make decisions. Planners call this a data base. Then, some priorities must be set; what is the relative importance, for example, to your community of agricultural production, industrialization, home development? This is where planners must hear **your** opinions, for **you** are the community.

The next step is the writing of the comprehensive plan, which sets goals as to what your community will be like in 10, 20, or even 100 years. The plan also suggests methods of achieving these goals. One method is the zoning map, used to direct industry, housing, and business into specific parts of the community. Thus, zoning is a local tool for control and planning of land use.

Land use planning is, however, much more than local zoning. State and federal planning decisions about use of the land are reflected in national parks, new highways, flood plain insurance, taxes, air pollution laws, reservoirs, and many more areas. Thus, we have had land planning beyond the local level for many years.

The points to remember are: (1) land use planning involves many things, some old and some new (In other words, we are constantly combining new plans with existing regulations); and (2) land use **does** change, if not by local, state, or federal regulation, then by "highest" or greatest economic use.

Where should future controls come from? From individuals exercising their rights of private property, or from some level of government? Where should the balance between economics and regulation be? Are there conflicts between private landowner rights and new land use planning proposals? Can these conflicts be avoided?

Zoning, tax policies, public works projects (eminent domain), and environmental protection laws are types of land use controls; thus government land use policies restrict land ownership rights, the uncontrolled right to do as one pleases with his own land.

Some people say that the question of land use planning versus personal property rights is purely philosophical. These people, however, should not refer to land use planning as some new, vague threat to property rights. Land use planning is not new, and it need not be vague if you become involved and examine the issues individually.

We have always had a land use policy. You won't find it in a single piece of paper, but in the laws that have been passed over the years, since laws reflect our goals and attitudes. Until about 85 years ago, the United States policy generally encouraged land settlement and exploitation. The Homestead Act of 1862 is an example. One of the first "brakes" on this policy came in 1891 when Congress set aside forest reserves which were later to become our national forests. Congress had responded to a change in attitude.

Some states have had land use policy statements. In many cases, they have received little attention when specific items such as highways and reservoirs were considered. However, all across the country we are seeing a shift

in attitudes toward land to the belief that land is a resource as well as an economic commodity. New, revised, and rewritten land use policies are the result.

Ideally, a land use policy itself should be a set of goals and a course of action allowing wise and prudent use of land and natural resources. The policy should guide a state in its future growth and development. It should be followed by a land use plan with procedures, maps, administrative guidelines and, most important, a good data base explaining, at a minimum, the state's economy, social structure, natural resources, population trends, pollution problems, and transportation facilities. Implementation involves using this data base to follow the guidelines set forth in the policy.

The federal Congress recently considered a single land use policy statement in the Land Use Policy and Planning Assistance Act which passed the Senate (S.268) but was defeated in the House (HR.10294). It emphasized land as a resource and it stressed coordination of all activities involving land use.

South Dakota's present land use policy and planning

statement says that land should be treated as a resource to be protected and managed so that future generations will not suffer. A major land use bill will be considered by the 1975 legislature.

The five land use bills passed in the last legislative session illustrate the variety of issues involved in land use planning.

HB 662 set a deadline of July 1976 on county preparation of comprehensive plans, which now must include zoning resolutions, subdivision ordinances, and an official zoning map.

HB 665 placed flood plains in a specific zoning category so that municipalities may regulate building in flood plains.

HB 666 provides for removal of inactive planning commission members by a majority of the elected board of county commissioners.

HB 667 provided for a continuation of the interim legislative committee on land use.

HB 753 requires a state environmental impact statement providing for review of a project financed with state funds.

HB 682 is a related property tax bill specifying that all land in

agricultural use shall be assessed as agricultural land without regard for zoning.

In summary, the idea of a land use policy is not new; rather, we are seeing a change from a fragmented series of policies, urban renewal, flood control, environmental protection, and a host of other concerns to a comprehensive approach which includes all factors in land use. Some of these policies are suggesting a **change from land as strictly a commodity to land as a resource.**

Specific issues in land use are being debated in Pierre, Washington, and across the country. With this new emphasis on land use planning, you have a chance to become involved. What are your ideas? Let your legislature, other elected officials, and the State Planning Bureau know. You need to become involved.

(This is the first of a two-part series. FS 630 deals with one method of approaching land use planning through the critical areas concept.)

The South Dakota Cooperative Extension Service neither supports nor opposes specific legislation. Its purpose in providing you this factsheet is solely educational.

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